

REMARKS

Entry of the foregoing, and reconsideration of the above-identified application as amended are respectfully requested.

By this amendment, claim 1 has been canceled. In view of their dependency on claim 1, claims 2-4 have been amended accordingly. Claims 2 and 3 have been amended to recite independent claims, while claim 4 has been amended to depend from claim 2. New claims 11-14 have been added to recite vaccine claims essentially the same as present claims 4-7, except dependent from claim 3.

This amendment is believed to be in keeping with the requirements of 37 C.F.R. §1.116. No new issues have been raised, nor would further search or consideration be necessary since the dependent claims have simply been made independent.

The Official Action dated March 9, 2001, stated on page 4 that claims 2 and 3 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Claims 2 and 3 have, therefore, been amended accordingly. The amendment to claim 4 and new claims 11-14 are in keeping with the amendments to claims 2 and 3.

As stated on page 5 of the Official Action, claims 2 and 3 are free of the prior art. None of the art cited by the Examiner "teach the specific strain recited in the claim, or any attenuated Japanese Encephalitis virus with those specific characteristics." Official Action, page 5.

In view of the deletion of claim 1 and the amendments to claims 2-4, the rejections under 35 U.S.C. §102(b) and §103 have been rendered moot. Withdrawal of the rejections is thus respectfully requested and believed to be in order.

In view of the above, further and favorable action in the form of a Notice of Allowance is respectfully requested. Such action is believed to be in order.

In the event that there are any questions relating to this amendment, or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney at (508) 339-3684 concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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Attachment to Preliminary Amendment dated June 11, 2001

Marked-up Claims 2-4

2. (Twice Amended) [The] An attenuated Japanese encephalitis virus [according to claim 1] adapted to Vero cell by passages on Vero cell wherein said virus has a multiplicity of more than $1 \times 10(7)$ PFU/ml in Vero cells and LD_{50}/pfu for young adult mouse is less than 0.000001.

3. (Twice Amended) [A] An attenuated Japanese encephalitis virus [according to claim 1] adapted to Vero cell by passages on Vero cell which is CJ50003.

4. (Amended) A Japanese encephalitis vaccine comprising the attenuated Japanese encephalitis virus according to claim [1] 2.